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IAB # SH2308453

OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

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INVOLVED EMPLOYEE INTERVIEWS

Deputy Anthony Paez - # Deputy William Turpin - # Deputy Steve Espericueta - #

EXHIBITS

Α	-	Homicide book (received by IAB on August 15, 2012)
В	-	Sketch of Scene and Legend
С	-	Crime Lab photos of scene
D	-	CD containing Radio traffic related to incident
E	-	Deputy Paez' firearm examination
F	-	CD containing Audio Interviews
G	-	Receipt for Certified Letter
Н	-	Coroner's Photos
1	-	Deputy Canvass- Witness Interview's
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MISCELLANEOUS DOCUMENTS

- Administrative Rights/Force/Shooting Review Forms
- Employee Training Records
- Foot Pursuit Evaluation Form



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney

JACQUELYN LACEY • Chief Deputy District Attorney

PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI . Director

September 18, 2012

Captain David Smith Homicide Bureau Los Angeles County Sheriff's Department 5747 Rickenbacker Road Commerce, California 90040

RE: J.S.I.D. File #12-0171

L.A.S.D. File #012-03314-2199-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 7, 2012, fatal shooting of Arturo Cabrales by Los Angeles County Sheriff's Department (LASD) Deputy Anthony Paez. We have concluded that Deputy Paez acted lawfully in self-defense.

The District Attorney Command Center was notified of the shooting at approximately 3:25 p.m., on March 7, 2012. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Senior Investigator Rick Myers, responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon investigative reports, analyzed evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by Detective Joe Espino. Compelled statements were not considered in this analysis.

FACTUAL ANALYSIS

On March 7, 2012, at about 3:00 p.m., Deputies William Turpin, Steve Espericueta and Anthony Paez, assigned to the Gang Enforcement Team, were on uniformed patrol in a marked Sheriff's vehicle in the Watts area of the City of Los Angeles. While Deputy Turpin was driving west on East 103rd Street, the deputies saw a male, appearing to be a gang member, seated on a bicycle on the sidewalk in front of a residence on the west side of Lou Dillon Avenue. The deputies

WEBSITE: http://da.co.la.ca.us

Captain David Smith September 18, 2012 Page 2 of 4

decided to contact the male to collect gang intelligence, so Turpin turned onto Lou Dillon Avenue and drove south. ¹

As the deputies approached, they saw the male on the bicycle talking to two males standing in the front yard of the residence drinking alcohol. There was a cognac bottle, juice bottle and cups on the trunk of a car the males were standing next to. A closed wrought iron fence separated the front yard from the sidewalk. When Deputies Espericueta and Paez asked them what they were doing, the males said that they were hanging out drinking.

Espericueta told the male on the bicycle, to show his hands and conducted a pat down search. At the same time, Turpin asked standing closest to the driveway gate, to step outside to talk. agreed and walked toward the driveway gate with his hands in the air. When got to the gate, the third male, Arturo Cabrales, yelled, "Fuck that! You don't have to do that!" Cabrales told Turpin, "You can't come in my gate, fuck you!" followed Turpin's order to open the driveway gate. Cabrales walked to the gate and held it to prevent from opening it further. As Deputy Paez walked through the gate, Cabrales looked scared. He turned around and walked away from the deputies northwest toward the rear of the property.

Deputy Paez yelled at Cabrales, "Hey, come here!" Paez ordered Cabrales to show his hands, which were blocked from view by the vehicle in the yard. Cabrales replied, "Fuck you!" and continued walking away. Paez followed Cabrales, continually ordering him to stop and show his hands. When he was 15 to 20 feet behind Cabrales, Paez saw a gun holster on Cabrales' right hip protruding from under his shirt. Paez drew his service weapon, exclaiming, "417, gun, gun! Let me see your hands!" Cabrales kept walking away quickly. When Cabrales reached up to unlatch the gate leading to the narrow walkway on the north side of the residence, his shirt raised enough to allow Paez to see a handgun in the holster. Cabrales continued walking down the walkway. Paez followed, stopping at the walkway gate. Cabrales removed the handgun from the holster with his right hand, raised it and turned to his right toward Paez. He pointed the gun at Paez and made eye contact with him. Believing that Cabrales was about to shoot him, Paez fired six times from his service weapon. Cabrales fell to the ground. Turpin ran to assist Paez who was standing at the open gate. Espericueta detained the other males in the rear of the patrol car. Turpin told Espericueta to broadcast the shooting and to request medical assistance.

Cabrales was lying on his left side with his face down and his hands underneath him. Both deputies repeatedly ordered Cabrales to show his hands. Once additional deputies arrived, Paez

¹ Lou Dillon Avenue is a one-way street for northbound traffic. The deputies drove against traffic to provide an element of surprise.

² "417" is police code referring to Penal Code section 417(a)(2), brandishing a firearm.

³ Cabrales was armed with a Glock model 19, 9mm semiautomatic firearm.

⁴ Deputy Paez was armed with a Beretta model 92FS, 9mm semiautomatic firearm.

Captain David Smith September 18, 2012 Page 3 of 4

handcuffed Cabrales. One of the assisting deputies informed the other deputies that Cabrales' gun was on the other side of the fence on the property to the north.⁵

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Cabrales was pronounced dead, at 3:08 p.m., by responding paramedics. On March 9, 2012, Deputy Medical Examiner Stephen Scholtz performed a postmortem examination of Cabrales' remains and determined the cause of death to be multiple (6) gunshot wounds mostly to the right side and back. His blood showed evidence of marijuana and alcohol consumption.

The residence where the shooting occurred consisted of a front house, middle house and a rear trailer used as a dwelling. Cabrales resided in the middle house with his Inside Cabrales' residence, investigators recovered a loaded .32 caliber pistol, three boxes of 9mm and .32 caliber ammunition, and illegal drug paraphernalia.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (People v. Williams (1977) 75 Cal. App. 3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. (California Criminal Jury Instructions 3470.) If the person's beliefs were reasonable, the danger does not need to have actually existed. Id.

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (People v. Collins (1961) 189 Cal. App.3d 575).

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

⁵ The gun had an empty chamber with 13 live rounds in the magazine. Photos retrieved from his cell phone showed Cabrales posing with guns, including one of him with the Glock in a holster on his right hip.

Captain David Smith September 18, 2012 Page 4 of 4

CONCLUSION

The evidence examined in this investigation shows that the deputies contacted the three males to investigate possible gang activity and public drinking violations. While two of the males were cooperative with the deputies' requests, Cabrales refused to comply. While Cabrales was walking away, Deputy Paez saw a gun in the holster on Cabrales' hip. Ignoring Paez's commands to stop and show his hands, Cabrales pointed the firearm in Paez's direction, placing him in fear of great bodily injury or death. To protect himself, Deputy Paez fired his service weapon six times, striking Cabrales and ending the threat.

Given the rapidly evolving, life threatening situation that confronted Deputy Paez, we conclude that he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY

District Attorney

JASOM P. LUSTIG &

Deputy District Attorney

(213) 974-3888

c: Deputy Anthony Paez #





COUNTY OF LOS ANGELES HATHOF JUSTICE



ALEX VILLANUEVA, SHERIFF

August 1, 2019

Date of Department Hire 09/13/2006

Deputy Anthony Paez, #

Dear Deputy Paez:

LETTER OF IMPOSITION

On April 3, 2019, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number IV2339106. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days, effective August 5, 2019 through September 3, 2019.

During this suspension period, none of the Relieved of Duty restrictions apply with respect to remaining home. However, effective September 4, 2019, you will resume Relieved of Duty status with pay and must adhere to the restrictions of remaining home Monday through Friday 0830 hours to 1700 hours. Should you find it necessary to leave your residence during these hours, you must contact your Captain to request the time off.

An investigation under File Number IAB IV2339106, conducted by Internal Affairs Bureau coupled with your own statements, has established the following:

211 West Temple Street, Los Angeles, California 90012

A Tradition of Service

Deputy Paez 2

1. That in violation of Department Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about March 7, 2012, while on duty, you failed to conform to the work standards established for your position as a Deputy Sheriff Generalist, when you displayed a lack of knowledge regarding your authority to enforce the appropriate Municipal Code Sections based on the City of Los Angeles statutes and/or the County of Los Angeles statutes regarding drinking an alcoholic beverage within the curtilage of private property; and/or displayed a lack of knowledge regarding your authority to enter upon a fenced-in yard within the curtilage of a residence without the owner's permission or a legal privilege, as evidenced by, but not limited to, the following:

- a. contacting and attempting to detain Arturo Cabrales within the curtilage of private property without establishing reasonable suspicion or probable cause that he was involved in, or engaged in, a criminal act, and/or:
- b. entering into a fenced and gated area of private property after being denied access by Arturo Cabrales, who had the authority to grant or deny consent, and/or;
- c. entering into a fenced and gated area of private property without permission, reasonable suspicion, or probable cause that a crime was committed or in progress, which resulted in a tactical situation.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

If you have any questions, you may contact Charna Toldson, of Internal Affairs Bureau, at

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

CHRIS E. MARKS, ACTING CHIEF

DETECTIVE DIVISION



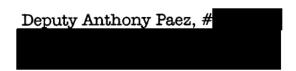


COUNTY OF LOS ANGELES HATLOF JUSTICE



ALEX VILLANUEVA, SHERIFF

April 3, 2019



Dear Deputy Paez:

LETTER OF INTENT

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days.

An investigation under IAB File Number IV2339106, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Department Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about March 7, 2012, while on duty, you failed to conform to the work standards established for your position as a Deputy Sheriff Generalist, when you displayed a lack of knowledge regarding your authority to enforce the appropriate Municipal Code Sections based on the City of Los Angeles statutes and/or the County of Los Angeles statutes regarding drinking an alcoholic beverage within the curtilage of private property; and/or displayed a lack of knowledge regarding your authority to enter upon a fenced-in yard within the curtilage of a residence without the owner's permission or a legal privilege, as evidenced by, but not limited to, the following:

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Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary, and Investigative Packet, which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this Letter of Intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Patty Choe, of Internal Affairs Bureau, at and arrange an appointment for assistance in this regard.

Deputy Paez 3

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

PATRICK A. NELSON, CHIEF

DETECTIVE DIVISION

Deputy Paez 4

PAN:PC:pc

(Professional Standards and Training Division – Internal Affairs Bureau)

LAB FILE NO. IV2339106

Attachments:

Signature Page CD Receipt

c: Patrick A. Nelson, Chief, Detective Division
Irene Aguilera, Departmental Employee Relations Representative,
Employee Relations Unit
Patty Choe, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit



COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 14, 2013

FILE NO:

OFFICE CORRESPONDENCE

FROM:

BOBBY D. DENHAM, COMMANDER

NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:

SH2308453/IV2339106

Incident:

Hit Shooting

Incident Date:

March 7, 2012

Unit:

Operation Safe Streets Bureau

Suspect:

Arturo Cabrales, MH/08-23-89

Involved Employee:

Deputy Anthony Paez, #

EFRC Date:

August 8, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Deputies assigned to the Gang Enforcement Team were travelling west on 103rd Street crossing Lou Dillon Avenue, Los Angeles, in a marked black and white patrol vehicle when they saw a male who appeared to be wearing gang attire straddling a bicycle on the sidewalk.

EFRC

The deputies contacted the male on the bicycle and saw two other individuals, who appeared to be gang members, standing in the front yard of a residence surrounded by a wrought iron fence. The deputies also noticed alcoholic beverages on top of a vehicle parked in the driveway.

The male on the bicycle was cooperative and complied with a deputy's request to step away from the bicycle. Another deputy asked the individuals in the yard if they were on parole. One of the individuals admitted he was on parole and the deputy requested that individual to exit the yard. One of the individual's opened the gate and exited the yard as the second individual (Suspect Cabrales) said he was not on parole, closed the gate, and told the deputies they could not enter the yard. This individual began to walk away from the deputies.

One of the deputies entered the yard to contact the suspect. The deputy asked the suspect to stop and show his hands, but the suspect ignored the deputy's commands and continued to walking away. While following the suspect, the deputy saw a holster attached to the suspect's waistband protruding from the bottom of his shirt. After seeing the gun in the holster, the deputy drew his duty weapon and ordered the suspect to stop and show his hands.

The suspect did not comply with the deputy's request and entered a walkway on the north side of the house. As the deputy approached the walkway, he saw the suspect retrieve the gun from the holster and point it in his direction. Fearing for his life and the safety of his partners, the deputy fired his duty weapon striking the suspect. The suspect fell to the ground and was ultimately handcuffed.

The suspect was pronounced dead by Los Angeles City Fire. A 9-millimeter "Glock" handgun was recovered from the yard adjacent to the location.

The EFRC determined the force used against the uncooperative and armed suspect was reasonable and justified. The EFRC also determined the tactics used by Deputy Anthony Paez, # were not within Department policy.

The EFRC deemed as **Founded** the allegation that Deputy Anthony Paez, was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards, on or about March 7, 2012, while on duty Deputy Paez failed to conform to the work standards established for his position as a Gang Enforcement Team deputy sheriff, assigned to the Operations Safe Streets Bureau, when he displayed a lack of knowledge regarding his authority to enforce the appropriate municipal codes sections either based on City of Los Angeles statues and/or the County of Los Angeles statues regarding drinking an alcoholic beverage within the curtilage of private property;

and/or displaying a lack of knowledge regarding his authority to enter upon a fenced-in yard within the curtilage of a residence without the owner's permission or a legal privilege, as evidenced by, but not limited to the following:

- a. contacting and attempting to detain Arturo Cabrales within the curtilage of private property without establishing reasonable suspicion or probable cause that they were involved, in or engaged, in a criminal act, and/or;
- entering into a fenced and gated area of private property after being denied access by Arturo Cabrales who had authority to grant or deny consent, and/or;
- entering into a fenced and gated area of private property without permission, reasonable suspicion, or probable cause that a crime was committed or in progress, which resulted in a tactical situation.

Deputy Paez' conduct and exercise of his authority failed to remain in conformity with parameters of the law and/or the standards and expectations of the Department and community. His failure to recognize that Arturo Cabrales lawfully exercised his rights upon private property resulted in a serious tactical incident where Arturo Cabrales lost his life. Deputy Paez' conduct brought discredit to himself and the Department.

RECOMMENDATIONS:

The EFRC recommended Deputy Anthony Paez, # _____, be discharged from the Sheriff's Department. The EFRC also recommended the unit commander, Captain Robert M. Rifkin, conduct a tactical debriefing with the other deputies involved regarding the unique circumstances of this incident.

BDD:JER:jer

DISPOSITION WORKSHEET

Re: IAB IV 2339106

Subject: Paez, Anthony, #

Investigator: David Ladjevic, Internal Affairs Bureau

Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

- 1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards, on or about March 7, 2012, while on duty Subject Paez failed to conform to the work standards established for his position as a Gang Enforcement Team deputy sheriff, assigned to the Operations Safe Streets Bureau, when he displayed a lack of knowledge regarding his authority to enforce the appropriate municipal codes sections either based on City of Los Angeles statues and/or the County of Los Angeles statues regarding drinking an alcoholic beverage within the curtilage of private property; and/or displaying a lack of knowledge regarding his authority to enter upon a fenced-in yard within the curtilage of a residence without the owner's permission or a legal privilege, as evidenced by, but not limited to the following:
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His failure to recognize that Arturo Cabrales lawfully exercised his rights upon private property resulted in a serious tactical incident where Arturo Cabrales lost his life. Subject Paez' conduct brought discredit to himself and the Department.

Evidence Reference:
Defenses/Conflicting Evidence:
Disposition:
X Charge founded as delineated Charge founded as modified Charge unresolved Charge unfounded
Discipline Assessment
Review of Applicable Guidelines for discipline Section:
The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:
Conduct Standard Discipline

Determination of Discipline:

Performance to Standards

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

W/R to Discharge

x	Discharge
	Reduction in Rank
	Suspension with loss of pay and benefits for days
	Written Reprimand
	No discipline

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent Truthfulness

Past Performance Severity of Infraction

Degree of Culpability Acceptance of Responsibility

Disciplinary History Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 14, 2013

FILE NO:

OFFICE CORRESPONDENCE

FROM:

BOBBY D. DENHAM, COMMANDER

NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

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Involved Employee:

Deputy Anthony Paez, #

EFRC Date:

August 8, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

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FINDINGS:

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The deputies contacted the male on the bicycle and saw two other individuals, who appeared to be gang members, standing in the front yard of a residence surrounded by a wrought iron fence. The deputies also noticed alcoholic beverages on top of a vehicle parked in the driveway.

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The suspect did not comply with the deputy's request and entered a walkway on the north side of the house. As the deputy approached the walkway, he saw the suspect retrieve the gun from the holster and point it in his direction. Fearing for his life and the safety of his partners, the deputy fired his duty weapon striking the suspect. The suspect fell to the ground and was ultimately handcuffed.

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RECOMMENDATIONS:

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BDD:JER:jer

DISPOSITION WORKSHEET

Re: IAB IV 2339106

Subject: Paez, Anthony, #

Investigator: David Ladjevic, Internal Affairs Bureau

Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

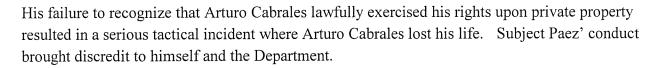
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The evidence in this investigation supports the following charges:

- 1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards, on or about March 7, 2012, while on duty Subject Paez failed to conform to the work standards established for his position as a Gang Enforcement Team deputy sheriff, assigned to the Operations Safe Streets Bureau, when he displayed a lack of knowledge regarding his authority to enforce the appropriate municipal codes sections either based on City of Los Angeles statues and/or the County of Los Angeles statues regarding drinking an alcoholic beverage within the curtilage of private property; and/or displaying a lack of knowledge regarding his authority to enter upon a fenced-in yard within the curtilage of a residence without the owner's permission or a legal privilege, as evidenced by, but not limited to the following:
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 - c. entering into a fenced and gated area of private property without permission, reasonable suspicion, or probable cause that a crime was committed or in progress, which resulted in a tactical situation.

Subject Paez' conduct and exercise of his authority failed to remain in conformity with parameters of the law and/or the standards and expectations of the Department and community.



Evidence Reference:
Defenses/Conflicting Evidence:
Disposition:
X Charge founded as delineated Charge founded as modified Charge unresolved Charge unfounded
Discipline Assessment
Review of Applicable Guidelines for discipline Section:
The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:
Conduct Standard Discipline

Determination of Discipline:

Performance to Standards

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

W/R to Discharge

x Discharge	
Reduction in Rank	
Suspension with loss of pay and ben	nefits for days
Written Reprimand	
No discipline	
Assessment of Mitigating and Aggravating	Factors:
The following describe the mitigating and agg	gravating factors in the determining the discipline in
this investigation. Those factors include:	
Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

Disciplinary History

Other Factors

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number *IAB IV2339106*.

09-03-19 ANTHONY PAEZ, #

I certify that on the date indicated below, I served the original Letter of Intent to ANTHONY PAEZ.

4/3/18

WITNESS SIGNATURE

Please return this page within two (2) business days to:

PATTY CHOE INTERNAL AFFAIRS BUREAU 4900 S. EASTERN AVE. #100 COMMERCE CA 90040 (323) 890-5313

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE:

March 28, 2019

OFFICE CORRESPONDENCE

FILE NO.

IV 2339106

FROM:

PATRICK A. NELSON, CHIEF

DETECTIVE DIVISION

TO:

JOSIE S. WOOLUM, CAPTAIN

INTERNAL AFFAIRS BUREAU

SUBJECT:

ANTHONY PAEZ #

DEPUTY SHERIFF GENERALIST

OPERATION SAFE STREETS BUREAU

DETECTIVE DIVISION

Upon consideration of the facts developed in this investigation, I have determined that Subject Paez be suspended for a period of **thirty (30) days** from his position as a deputy sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

PATRICK A. NELSON, CHIEF

03/28/19

DATE

CASE REVIEWED BY PANEL MEMBERS

MARIA R. GUTIERREZ. ASSISTANT SHERIFF

DATE

DAIL

ROBIN A. LIMON, ASSISTANT SHERIFF

DATE

TIMOTHY K. MURAKAMI UNDERSHERIFF

DATE

IV 2339106

The evidence in this investigation **supports** the following charge:

- 1. That in violation of Department Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about March 7, 2012, while on duty, Subject Paez failed to conform to the work standards established for his position as a Deputy Sheriff Generalist, when he displayed a lack of knowledge regarding his authority to enforce the appropriate Municipal Code Sections based on the City of Los Angeles statutes and/or the County of Los Angeles statutes regarding drinking an alcoholic beverage within the curtilage of private property; and/or displayed a lack of knowledge regarding his authority to enter upon a fenced-in yard within the curtilage of a residence without the owner's permission or a legal privilege, as evidenced by, but not limited to, the following:
 - contacting and attempting to detain Arturo Cabrales within the curtilage of private property without establishing reasonable suspicion or probable cause that he was involved in, or engaged in, a criminal act, and/or;
 - entering into a fenced and gated area of private property after being denied access by Arturo Cabrales, who had the authority to grant or deny consent, and/or;
 - c. entering into a fenced and gated area of private property without permission, reasonable suspicion, or probable cause that a crime was committed or in progress, which resulted in a tactical situation.

SUMMARY

Subject Anthony Paez is a Deputy Sheriff Generalist, assigned to Operation Safe Streets Bureau (OSS).

On March 12, 2012, Subject Paez, along with Deputy Steve Espericueta # and
Deputy William Turpin # were working a three-person Gang Enforcement Team
unit. They were traveling in a marked black and white patrol vehicle, westbound on
103rd Street at Lou Dillon Avenue in the city of Los Angeles. They then drove
southbound on Lou Dillon Avenue. They saw a male who appeared to be wearing gang
attire straddling a bicycle on the sidewalk in front of Lou Dillon Avenue. The
deputies also saw two other males who appeared to be gang members standing in the
front yard of Lou Dillon Avenue, drinking alcohol. The front yard of the house
was surrounded by a wrought iron fence.

The male on the bicycle was cooperative and complied with Deputy Espericueta's request to step away from the bicycle. Subject Paez and Deputy Turpin contacted the

ANTHONY PAEZ #520748 3
DEPUTY SHERIFF GENERALIST
OPERATION SAFE STREETS BUREAU
DETECTIVE DIVISION

IV 2339106

two males who were standing in the front yard. They were asked if they were on parole or probation. One of the males admitted he was on probation, and Deputy Espericueta asked him to exit the yard.

Suspect Cabrelas said he was not on parole or probation, closed the gate, and told the deputies they could not enter the yard. Suspect Cabrelas began to walk away from the deputies, toward the house. Subject Paez entered the front yard to contact Suspect Cabrelas. He told Suspect Cabrelas to stop and show his hands, but Suspect Cabrelas ignored Subject Paez' commands and continued to walk away. While following Suspect Cabrelas, Subject Paez saw a holster attached to Suspect Cabrelas' waistband protruding from the bottom of his shirt. Subject Paez saw a handgun in Suspect Cabrelas' holster. After seeing the handgun, Subject Paez drew his duty weapon and ordered Suspect Cabrelas to stop and show his hands.

Suspect Cabrelas refused to comply with Subject Paez' orders and entered a walkway on the north side of the house. As Subject Paez approached the walkway, he saw Suspect Cabrelas retrieve the handgun from his holster and point it in Subject Paez' direction.

Fearing for his life and the safety of his partners, Subject Paez fired his duty weapon. Suspect Cabrelas was struck by the gunfire, fell to the ground, and was ultimately handcuffed. Subject Paez was approximately five to six feet away from Suspect Cabrelas when the shooting occurred. Subject Paez was the only shooter and fired six rounds. Suspect Cabrelas was pronounced dead by Los Angeles City Fire. A 9-millimeter "Glock" handgun was recovered from the yard adjacent to the location.

DISCIPLINE ASSESSMENT

Review of Applicable Guidelines for Discipline Sections

The Department's Guidelines for Discipline (revised December 14, 2009) lists the following analogous misconduct with associated disciplinary penalties:

POLICY

DISCIPLINE

Performance to Standards

Written Reprimand to Discharge

ASSESSMENT OF MITIGATING AND AGGRAVATING FACTORS

Severity of Infractions

The Fourth Amendment protects individual rights against unreasonable detentions, searches, and seizures. Subject Paez' conduct and exercise of his authority failed to

ANTHONY PAEZ # DEPUTY SHERIFF GENERALIST OPERATION SAFE STREETS BUREAU DETECTIVE DIVISION

remain in conformity with parameters of the law and/or the standards and expectations of the Department and community. His failure to recognize that Arturo Cabrales lawfully exercised his rights upon private property resulted in a serious tactical incident, where Arturo Cabrales lost his life. Subject Paez' conduct brought discredit to himself and the Department.

Intent, Truthfulness and Acceptance of Responsibility

During the course of this investigation, a Foot Pursuit Evaluation Form was completed. Deputy Espericueta and some non-employee witnesses stated Suspect Cabrales ran from Subject Paez. Also, Deputy Turpin stated Subject Paez told him that Suspect Cabrales threw a handgun over a fence into a yard just to the north of the location.

During Subject Paez' interview with Internal Affairs Bureau investigators, he provided statements that were contrary to some of the witnesses' statements concerning the foot pursuit and Suspect Cabrales' throwing his handgun over a fence. These issues are concerning, but do not rise to the level of false statements. However, they do speak to his inability to take responsibility for his actions.

Degree of Culpability

Subject Paez was solely responsible for his actions.

Past Performance and Disciplinary History

Subject Paez' Department hire date was September 13, 2006.

A Review of Subject Paez' Performance and Monitoring Profile Report indicated two (2) prior founded cases resulting in discipline.



IV 2339106



Disposition

Based upon the foregoing assessment of mitigating and aggravating facts, the following is the level of discipline to be assessed, subject to revision, upon receiving the Subject's response or grievance:

Discharge		
Reduction in Rank		
Bonus Removal		
Suspension with loss of pay and benefits for	30	days
Written Reprimand		
No discipline recommended		
	Reduction in Rank Bonus Removal Suspension with loss of pay and benefits for Written Reprimand	Bonus Removal Suspension with loss of pay and benefits for 30 Written Reprimand

Los A eles County Sheriff's Depetment Officer Involved Shooting

Page 1 of 4

Report Date:	March	n 7, 2	012	Bureau/Station/F	acility:	Safe Str	eets Bu	reau	Admin. Ir	ivest.?	Hit	$\stackrel{\sim}{\boxtimes}$
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URN:	01	2-03	314-21	99-013		Date:	March 7	, 2012		Time:	1449 h	ours
City or Station:			Los Ar	aeles		Nature of Incident:						
Location:	Lou	Dillor	n Avenu	-								
Location Type			Lighting (circle only one):		Incident Type (circle	one or m	ore):	Initiate	d by (circle	only one):	
(circle oné or mo Backyard	ore):		Darkne			Accidental Armed Person				st Warrant		
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Business			Other Street	Lights		Foot Pursuit			_	Person Uni	t	
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Other: Front	vard	ſ	Distance	5-10 feet		Vehicle Pursuit				tine Patrol	>	
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0				None		Other:				<u> </u>		
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Street Address				C	ity		Zip C	ode	Wor	c Ph	Home F	h
Last Name							First I	Name			M.I.	
Street Address				С	ity		Zip C	ode	Wor	k Ph	Home I	2h
Last Name							First				M.I.	
Street Address				C	ity		Zip Co	ode	Wor	k Ph	Home	₽h
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PSTD Use Only
SH# 2303453

Officer Involved Shooting URN: 012-03314-2199-013

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FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
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Officer Involved Shooting Involved Employee Information

URN: 012-03314-2199-013

Page <u>3</u> of <u>4</u>

				Involved	i Empl	oyee			
E_1_	Employee #	Last Name Paez					First I	Name Anthony	M.I.
	Sex: Race:	Rank Deputy Sho	eriff	Unit Assignme Safe Str		ureau	Work A	ssignment (Unit #, Module, e OSSG3	
	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime O	ff Duty	Intoxication/Dr	rug Usage	?	Substa	nce Used:	
	Hospital Admission?	Hospital Name:		Coroner Case	? 🗌		Corone	r Case #	Interviewed?
	Hrs of sleep prior to shooting:	Duty Time (hrs):		(circle only one): Nothes no Vest		ket w/ Vest	Other F	actors:	, , , , , , , , , , , , , , , , , , , ,
	Age: Height: 5	Weight: 150		Clothes w/ Vest acket no Vest	Uniform r				
	Range Qualification Date:		PPC Qu	alification Date:				Laser Training Date:	
	Certified with Weapon Used?	Patrol Certification?		ation Unit:		Prior Shoot	tings?	Number of Prior Shootings:	Directed Force:
	Weapons Fired Brand: Beretta 92		n #S	hots 6	Weapon Brand:	s Fired		Caliber	# Shots
	Field Training Officer Emp #	Last Name					First N		M.I.
	Field Training Officer Emp #	Last Name					First N	ame	M.I.
E	Employee #	Last Name		AND A CONTRACT OF THE PARTY OF			First I	Name	M.I.
	Sex: Race:	Rank		Unit Assignme	nt:		Work A	ssignment (Unit #, Module, e	c.):
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	Weapons Fired Brand:	Caliber	# S	hots	Weapon Brand:	s Fired		Caliber	# Shots
	Field Training Officer Emp #	Last Name					First N	ame	M.I.
	Field Training Officer Emp #	Last Name					First N	ame	M.I.
E	Employee #	Last Name			•		First N	lame	M.I.
	Sex: Race:	Rank		Unit Assignme	nt:		Work A	ssignment (Unit #, Module, et	c.):
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	Hospital Admission?	Hospital Name:		Coroner Case	?		Corone	r Case #	Interviewed?
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	Weapons Fired Brand:	Caliber	# S	hots	Weapon Brand:	s Fired		Caliber	# Shots
	Field Training Officer Emp #	Last Name					First Na		M.I.
	Field Training Officer Emp #	Last Name					First N	ame	M.I.

Officer Involved Shooting (Suspect Information

URN: ___

012-03314-2199-013

Page <u>4</u> of <u>4</u>

s <u>1</u>	Last Name Cabrales	<u> </u>		First Name Arturo		M.I.
<u> </u>	AKA Last Name			First Name		M.I.
	"Ghost"					
	Sex: M Race: H	Street Address:		City	State & Zip	Code:
	Work Phone:	Home Phone:	Social Sec	urity #:	Driver's License #:	
	Age: 22 D.O.B. 08/23/89	Height: 510 Weight: 180	FBI#		CII #	
	Booking #	Primary Charge:		Secondary Charge:		
	Coroner Case?	Coroner Case # 2012-01628		Intoxication/Drug Usage?	Substance Used: Alcohol	
	Armed?	Apprehended?	***************************************	Mental Illness?	Criminal History?	
	Vehicle Make			Model:	Year:	
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	AKA Last Name			First Name		M.I.
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	Work Phone:	Home Phone:	Social Sec	curity #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI#		CII#	
	Booking #	Primary Charge:		Secondary Charge:		
	Coroner Case?	Coroner Case #		Intoxication/Drug Usage?	Substance Used:	
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